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09/745,305	12/21/2000	Peter Tavernese JR.	NTL-3.2.149/3550 (12767HU)	2060
7590 03/25/2009 Mintz, Levin, Cohn, Ferris, Glovsky & Popeo P.C. 666 Third Avenue 24th Floor New York, NY 10017			EXAMINER NGUYEN, QUYNH H	
			ART UNIT 2614	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/745,305
Filing Date: December 21, 2000
Appellant(s): TAVERNESE, PETER

Boris A. Matvenko
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/22/08 appealing from the Office action mailed 10/30/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

Art Unit: 2614

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,687,241	GOSS	2-2004
5,526,417	DEZONNO	6-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 1 and 3-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss (U.S. Patent 6,687,241) in view of Dezonno (U.S. Patent 5,526,417).

Note that Appellant argued only the rejections of independent claims 1, 16, 27, and 28.

Regarding claim 1, Goss teaches a customer service response system (CSRS) (Fig. 1, *call center 10 that includes VRU, agents station, Center Contact Server, etc.*) capable of responding to an incoming call from a calling party (col. 1, lines 20-22); the VRU that is part of call center 10 runs specialized interactive voice response (IVR) applications for providing automated customer and operator services for callers (col. 4, lines 47-51); call center 10 that includes VRU, agents stations, Center Contact Server,

Art Unit: 2614

etc. capable of responding to an incoming call from a calling party (col. 1, lines 20-22) and requesting/collecting information from the caller, for example, routing message, (col. 7, lines 21-31); a graphical user interface (Fig. 1, *workstation 14*) electrically coupled to the CSRS (Fig. 1, *workstation 14 coupled to call center A*) and configured to receive and display information from the CSRS originates from the calling party (col. 9, lines 1-13).

Goss do not specifically teach a soft-key or graphical button of the GUI configured to selectively initiate another message being sent from the CSRS to the calling party.

Dezonno teaches a soft-key (*soft-key 41*) or graphical button of the GUI configured to selectively initiate another message ("postconversation voice messages") being sent from the CSRS to the calling party (col. 8, lines 2-6; col. 7, lines 6-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dezonno into the system of Goss for the purpose of reducing the conversation handling time of the agent or operator so that the agent is available to take subsequent incoming calls which are waiting in queue for the agent service, which also reduces the holding time a customer waiting for an agent since the agent does not need to repeat farewell messages, as discussed by Dezonno (col. 7, lines 37-46). This also maintains agent's professionalism and energetic voice throughout the day, especially towards the end of the day when agents may get tired.

Art Unit: 2614

Regarding claim 5, Goss and Dezonno do not explicitly teach the CSRS includes a voice recognition program that is capable of converting voice signals in text messages and text messages into voice signal. However, Goss teaches an VRU that runs IVR applications has a voice link to enable direct connection to the call center and forward data to contact server (col. 4, lines 47-55; col. 7, lines 22-31), hence it would have been obvious that the VRU has capability of converting voice to text; and for customers who contact the call center via Web Server over the Internet (col. 7, line 62 through col. 8, line 7) and the VRU response back, hence it has capability of converting text to voice. Furthermore, Examiner takes Official Notice that text to speech and speech to text conversions are very old and well known with known advantages.

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Claim 27 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Goss teaches the call system response means for receiving information from a plurality of telephone calls (col. 7, lines 22-31).

Claim 28 is rejected for the same reasons as discussed above with respect to claims 1 and 5.

(10) Response to Argument

Appellant argues (Brief, page 15) that :

“Goss is concerned with routing a call to an appropriate VRU” and “Goss's enterprise contact service determines how to route the call (i.e., to which VRU) for collection of

Art Unit: 2614

information from the caller. This is different than having a customer service response system capable of responding to an incoming telephone call from a calling party and playing a message to the calling party”.

Examiner respectfully submits that this is totally irrelevant to the claims language because the VRU which is part of call center 10 runs specialized interactive voice response (IVR) applications for providing automated customer and operator services for callers (col. 4, lines 47-51); and Applicant's customer service response system is equivalent to call center 10 that includes VRU, agents stations, Center Contact Server, etc. capable of responding to an incoming call from a calling party (col. 1, lines 20-22) and requesting/collecting information from the caller, for example, routing message, (col. 7, lines 21-31).

Appellant argues (Brief, page 16) that Goss' data does not originate from the calling party; and that Goss fails to provide a GUI electrically coupled to the CSRS for receiving and displaying information from the CSRS. Examiner respectfully submits that Goss teaches providing a graphical user interface that is coupled to the CSRS (Fig. 1, *workstation 14 coupled to call center A*) and receiving and displaying information from the CSRS originates from the calling party (col. 9, lines 1-13), the information display on the GUI entered by the calling party (col. 9, lines 5-13), hence Goss teaches a GUI coupled to the CSRS and configured to receive and display information from the CSRS wherein the information received from the CSRS originated from the calling party.

Art Unit: 2614

Appellant argues (Brief, page 16) that Goss discloses two types of systems: one workable with Center Contact Server and the other one workable with PSTN type calling; the two systems are sufficiently different, and that the Examiner fails to provide any motivation to combine the two types of systems. Examiner respectfully submits that this is totally irrelevant to the claimed invention because Goss teaches a customer server response system (Fig. 1, *call center 10 that includes VRU, agents stations, Center Contact Server, etc.*) capable of responding to an incoming call from a calling party (col. 1, lines 20-22) by playing a message to the calling party; the VRU has a link to the PSTN to enable direct connection to the call center to forward call data to the Center Contact Server, all components are part of call center 10. Hence, there is no need for motivation to combine any such systems in Goss.

Appellant mainly argues (Brief, pages 17- 19) that the secondary reference Dezonno relates to an automated post-conversation message that playing of post conversation voice messages when terminating the call, playing preannouncement greetings, and systems are not to be connected while the greeting message is being played. Examiner respectfully submits that Dezonno teaches both pre-conversation messages (col. 2, lines 13-19) and post-conversation messages (col. 8, lines 2-6; col. 7, lines 6-10). Since Applicant's claims are so broad, whether post-conversation ("goodbye" message) or pre-conversation message (greeting announcement, routing message, etc.), the message that is being sent from the CSRS to the calling party reads on Applicant's claims invention. In addition, this is not specifically claimed and is also

Art Unit: 2614

obvious. To play a message before (e.g., "Hello"), after (e.g., "Goodbye") or in the middle of the call (e.g., "thank you", "We hope", "Is there anything else ..."), a soft key can be programmed and used as desired. On one hand, Appellant argues that the agent uses a soft key to terminate the call and not send another message to the calling party (Brief, page 17). On the other hand, Appellant apparently contradicts himself by stating that Dezonno's agents use soft keys to terminate calls and send a "goodbye" message to callers (Brief, page 18). "Goodbye" is another message being sent to the callers.

Appellant argues that the combination of Goss and Dezonno is improper. Examiner respectfully disagrees. Both references are in telephony communications that deal with automatic call distributor.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Quynh H Nguyen/

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Application/Control Number: 09/745,305

Page 9

Art Unit: 2614

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